



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, SEPTEMBER 30, 2020

Board members present: Richard Conescu, Kathleen Stroud, Patrick Dwyer, Rod Buckley and Alternate Ben Niles

Board members absent: Lynn Christensen, and Alternate Drew Duffy

Staff present: Casey Wolfe, Assistant Planner

1. Call to Order

Richard Conescu called the meeting to order at 7:04 p.m.

2. Roll Call

Richard Conescu read the procedures and processes for the virtual meeting. Patrick Dwyer read the preamble.

Richard Conescu appointed Ben Niles to sit for Lynn Christensen.

- 3. RCL Realty, LLC (petitioner/owner) – Appeal of Administrative Decision** that determined pre-existing nonconforming lots of record are required to conform to current zoning requirements upon the modification of the lot following a lot line adjustment even though such adjustments would result in each lot becoming less nonconforming than presently constituted. The parcels are located at Elizabeth Drive, Charles Road and Squires Drive in the R-1 (Residential by soils) and R-2 (Residential) Districts. Tax Map 3A, Lots 010, 013, 014, 015, 025, and 026. Case # ZBA 2020-16. **This item is continued from the July 29 and August 26, 2020 meetings.**

At the petitioner's request, the Board voted 5-0-0, on a roll call vote, to continue this item until October 28, 2020 on a motion made by Kathy Stroud and seconded by Patrick Dwyer.

- 4. As Life Goes On, LLC (petitioner) and Laura Benson (owner) - Appeal of Administrative Decision** that determined an assisted living group home is not exempt from the three-acre minimum lot area requirement of Section 2.02.9(b) (6) of the Zoning Ordinance. The parcel is located at 585 Daniel Webster Highway in the C-1 (Limited Commercial) and R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 6D-1, Lot 046. Case # ZBA 2020-23. **This item is continued from the July 29 and August 26, 2020 meeting.**

Withdrawn by petitioner.

5. **John Downie (petitioner/owner)** – Variance under Section 2.02.1.A.4.e of the Zoning Ordinance to permit the petitioner to request from the Planning Board a Conditional Use Permit to allow for the installation of an Accessory Dwelling Unit in an existing detached garage with 1,039 sq. ft. whereas 1,000 sq. ft is permitted. The parcel is located at 2 Landau Way in the R-2 (Residential) District. Tax Map 3A, Lot 089. Case # ZBA 2020-30.

Petitioner was represented by: John Downie, petitioner/owner

There was no public comment.

The Board voted 5-0-0, on a roll call vote, to grant the variance, with conditions, on a motion made by Kathy Stroud and seconded by Rod Buckley.

6. **Michael LeCornec (petitioner/owner)** – Special Exception under Section 3.09 of the Zoning Ordinance to permit the construction of a second story onto an existing single family dwelling, constructed before June 29, 1953. The parcel is located at 154 Amherst Road in the R-1 (Residential, by map) District. Tax Map 4B, Lot 142. Case # ZBA 2020-31.

Petitioner was represented by: Michael LeCornec, petitioner/owner

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception on a motion made by Patrick Dwyer and seconded by Kathy Stroud.

7. **Michael Ericsson (petitioner/owner)** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a covered entry and stairway with a front setback of 20 feet whereas 30 feet is required. The parcel is located at 4 Cathy Street in the R-1 (Residential, by soils), and Aquifer Conservation Districts. Tax Map 6D, Lot 094. Case # ZBA 2020-32.

Petitioner was represented by: Michael Ericsson, petitioner/owner

There was no public comment.

The Board voted 5-0-0, on a roll call vote, to grant the variance on a motion made by Rod Buckley and seconded by Kathy Stroud.

8. **Executive Building Systems, Inc. (petitioner) and ANMI Merrimack Realty, LLC (owner)** – Variance under Section 2.02.1 of the Zoning Ordinance to permit professional offices in the R-1 (Residential, by soils) District. The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 2A, Lot 005. Case # ZBA 2020-33.

Petitioner was represented by: David Campbell

There was no public comment.

The Board voted 5-0-0, on a roll call vote, to grant the variance, with conditions, on a motion made by Kathy Stroud and seconded by Rod Buckley.

- 9. Executive Building Systems, Inc. (petitioner) and ANMI Merrimack Realty, LLC (owner)**
– Variance under Section 2.02.1 of the Zoning Ordinance to permit a warehouse use in the R-1 (Residential, by soils) District. The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 2A, Lot 005. Case # ZBA 2020-34.

Petitioner was represented by: David Campbell

There was no public comment.

The Board voted 5-0-0, on a roll call vote, to grant the variance, with conditions, on a motion made by Rod Buckley and seconded by Kathy Stroud.

- 10. Garrett Burbee (petitioner) and 385 DW Hwy, LLC (owner)** – Variance under Section 2.02.2 of the Zoning Ordinance to permit Mixed-Use (residential and contractor storage yard) in the C-1 (Limited Commercial) District. The parcel is located at 385 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 090. Case # ZBA 2020-35.

Petitioner was represented by: Matt Peterson, Keach Nordstrom Associates, Inc.

There was no public comment.

The Board voted 5-0-0, on a roll call vote, to grant the variance, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

- 11. Discussion/possible action regarding other items of concern**

None.

- 12. Approval of Minutes – August 26, 2020**

The Board voted 5-0-0, on a roll call vote, to approve the minutes of August 26, 2020, as amended, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

- 13. Adjourn**

The Board voted 5-0-0 to adjourn at 8:17 p.m. on a motion made by Kathy Stroud and seconded by Patrick Dwyer.